

# Children's Healthcare Is a Legal Duty, Inc.

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*Harrison and his Friend Megan*

## Florida parents charged for medical neglect

In May, Kelly and Wylie Johnson of Melbourne, Florida, were charged with aggravated child abuse in the death of their son Harrison.

The two-year-old boy was stung 432 times by yellow jackets in September, 1998. His parents did not call 911 until seven and a half hours later when the toddler became unconscious.

They belong to a tiny group called the Bible Believers' Fellowship that claims doctors are sorcerers and advocates exclusive reliance on prayer to heal disease. Wylie Johnson told the police, "Jesus Christ always, when people came to him, he

healed them. He never sent them to anyone, let alone a doctor."

The Johnsons' attorney, George Tragos of Clearwater, said the couple's delay in getting medical treatment did not cause the boy's death. The fact that the Hillsborough County state's attorney's office did not charge his clients with manslaughter shows "there must be experts telling them the child would have died anyway."

The child abuse charge does not require proof that medical care would have saved the child's life, but only that the parents withheld necessary medical care "willfully or by culpable negligence." Fl. Stat. 827.04.

Two physicians have told the national press that the toddler might have died even with prompt medical attention. A two-year-old's body might not have

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been able to fight the venom from so many stings.

Nevertheless, his chances for survival would have been much better with intravenous fluids, assistance in breathing, and other medical care.

### **Legislature ignores state Supreme Court ruling**

The charge against the Johnsons may lead to another court ruling on Florida's religious exemption statute at Fl. Stat. 415.503. In 1992 the Florida Supreme Court overturned the conviction of William and Christine Hermanson, Sarasota Christian Scientists who let their 7-year-old daughter Amy die of diabetes without medical care. Like the Johnsons, they were charged with felony child abuse. The Court said that the religious exemption creates "a trap that the legislature should address." The Florida legislature has still not done so.

Taken in part from the *Orlando Sentinel*, May 11, and *St. Petersburg Times*, June 16.

### **Charges filed in Colorado faith death**

On May 6, charges were filed against Joshua and Mindy Glory of Grand Junction, Colorado, for letting their 18-day-old baby Warren die of meningitis and pneumonia without medical care. The Glories belong to the Church of the Firstborn, which believes that only God can heal disease. Mesa County District Attorney Frank Daniels has charged them with reckless child abuse, negligent child abuse, manslaughter, and negligent homicide. Mesa County Coroner Rob Kurtzman had previously ruled the death a homicide.

### **Firstborners say baby died peacefully**

The baby's grandfather, Marvin Peterson, a Firstborn elder, said he anointed Warren with olive oil and prayed for him as he died. When the baby opened his eyes and looked into Peterson's face, squeezed his finger, and drew his last breath, Peterson said his faith in God's healing power didn't waver. He said God can see into the future and He may have seen Warren as a drug addict or someone

with an awful disease or disabled and decided to take him before he had to suffer.

"I have never seen such peace," Peterson said of Warren's death. "You are sad in your heart that you have lost one, but that child was sanctified. He's asleep in the Lord. If you die in the Lord you're just asleep and waiting until judgment day."

### **Preventable deaths of Colorado children**

CHILD knows of 8 Colorado Firstborn children who have died since 1974 without medical care. Two Cortez-area children, Christy Sitton and Brian Sproul, died in 1974 and 1976 of diphtheria, a disease that has been vaccine-preventable since the 1930s. Fourteen other Firstborn children became ill with diphtheria during that same period. In 1982 14-year-old Travis Drake of Grand Junction died of a ruptured appendix after his Firstborn parents refused to seek medical treatment. In 1987 newborn Lucas Long died in Delta County after his parents refused to seek medical help. When prosecution was discussed, friends of the Longs took out full-page ads in a Delta newspaper defending the Longs' beliefs. They called physicians "fiends," who were trying to perpetrate "a Nazi holocaust." None of the deaths was prosecuted.

Angela Sweet, age 7, died in 1990 at her Olathe home weeks after her appendix ruptured. She was emaciated, almost skeletal, and her abdomen was swollen with pus from a massive infection. In our view, the Department of Social Services (DSS) was woefully negligent in the case and partly because of the religious exemption law.

Angela last attended school on May 3, 1990. On May 16, her principal filed a report of suspected child neglect with DSS, pointing out that she was sick and that her parents were members of the Church of the Firstborn, which forbids medical treatment. After a second call from a school board member concerned about Angela, a DSS worker finally made three visits to her home between May 25 and June 14. But there was no physical examination of the girl. The worker advised her parents to seek medical care. They told him that, pursuant to

their religious faith, they did not confer with doctors. The worker apparently accepted the Sweets' claim that Angela just had the flu, even though she had been sick since May 3<sup>rd</sup>, and he never saw her get out of bed. She died June 26.

#### **Four interpretations of religious exemption law**

The social worker told law enforcement that he understood Colorado's religious exemption law to mean that courts could order medical treatment over parents' religious objections only when there was a life-threatening emergency. From what he could observe of the girl's condition, he did not think he had evidence of a life-threatening emergency to present in court. He admitted that he has had no medical training.

Criminal charges were filed against David and Barbara Sweet. The Sweets argued that Colorado's religious exemption law gave them the right to withhold medical care and if it did not, it created a privilege for one type of religion and therefore violated the Establishment Clause. The Montrose County District Court ruled the defense constitutional as not privileging religion but "a recognized method of religious healing." The Sweets did not appeal the ruling, but instead negotiated a plea agreement and were required to get medical care for their surviving children.

#### **Prosecutor takes no action in babies' deaths**

In 1997 10-month-old Kyra Wright of Cortez died of respiratory syncytial viral pneumonia. Her parents said she was sick for one to two weeks with what they thought were teething symptoms. She became listless and unable to nurse. She had a cough and intermittent fever. She weighed about 15 pounds at her death. Her body was dehydrated and showed some decrease in muscle mass. Keenan Littlefield of Cortez died in 1998 at the age of 10 days from a bowel obstruction physicians said could have been corrected with surgery.

Montezuma County District Attorney Mike Green did not file charges in the deaths of Kyra and Keenan because, he said, Colorado's religious exemption laws made it too difficult and costly to

prosecute these cases. Green and Montezuma County Coroner Paul Bostrom met with several Firstborn elders after the Cortez deaths to see if church members would notify authorities when a child was seriously ill, but Bostrom said the elders were adamant about not seeking medical help. They will only provide it if they are court-ordered to do so. That usually happens only when children are old enough to be in school and teachers can report illnesses or extended absences.

"I can see their dilemma," Bostrom said. "What's more important for people of faith than to be right with God? If it means denying their kids medical care that's a dilemma for them and a dilemma for us."

#### **Medical care for some**

There have been a few cases where Firstborn parents have been ordered to get medical treatment for their children and the children were saved. In 1978 David Lyle Ester, a disabled Mesa County child who was adopted by Firstborn parents, received seizure-control medication under court order. During the next four years the case was argued and overturned before the Colorado Supreme Court finally ruled the parents would have to provide medication in spite of their religious beliefs.

Bostrom once witnessed an accident in Cortez in which a teenage Firstborn member was injured. While Firstborn elders discussed what to do at the scene, paramedics asked the young man what he wanted, and he chose treatment.

#### **Conservative lifestyle and strong ties to group**

Since the early 1800s when Firstborn churches were established in the United States, members have lived by a Bible tenet saying they should have "a meek and quiet spirit." The estimated 20,000 members believe in family unity and preach against divorce. The women in the church don't cut their hair; they are expected to dress modestly and to stay at home to raise their families. Members of the close-knit congregations refer to those outside their church as being "out in the world." They call each other "sisters" and "brethren." They greet each

other with a “holy kiss” on the lips although that is not practiced as much in the open anymore because “nowadays people think you're lesbian or gay,” Peterson said. They perform baptisms and the laying on of hands to imbue new members with the Holy Spirit. They do foot washings and speak in tongues during their twice-a-week services held in simple wood-frame churches usually located in rural areas. They have no paid clergy so their services are conducted by the entire congregation. Members speak or start a hymn when the spirit moves them. They don't excommunicate members who fail to follow all the tenets of the church—something church elders say happens more and more often in the modern world. Instead they pray for them. They consider the only damnable sin to be blasphemy against the Holy Spirit. When members die they believe they are suspended in sleep until judgment day. When babies die, they are considered sanctified and heaven-worthy if just one of their parents is a church believer.

#### **Mechanical aids may be o.k.**

Their belief in faith healing is based on a verse from the New Testament book of James: “Is any sick among you? Let him call for the elders of the church and let them pray over him anointing him with oil in the name of the Lord. And the prayer of the faithful shall save the sick and the Lord shall raise him up: and if they have committed sins they shall be forgiven.”

Some Church of the Firstborn members will have dental work done and wear eyeglasses. They say that use of mechanical aids or cosmetic procedures is not sinful, but that life-sustaining medical care is. “If we trust in God wholeheartedly, then we know He will take care of us,” said Delta church elder Clyde Lewis. “We can't serve two masters. But medical science has brought people in this country to the point of setting themselves up as gods.”

Elders say they do not prevent members from seeking medical help, but encourage them to repent later. They say they give children a choice about

medical care. But, as Lewis said, “If they have faith in their hearts, they don't want to go to a doctor.”

Taken in part from the *Grand Junction Daily Sentinel*, Aug. 24, 1990, and *Denver Post*, July 15, 1990 and March 15, 1999.

#### **Mom sentenced to 6 years in death of diabetic son**

A Colorado woman whose son died after she stopped giving him insulin was sentenced to six years in prison on July 16.

Rebecca Ramirez and members of her family were visibly shaken as an Adams County sheriff's deputy closed handcuffs around her wrists and led her off to begin her sentence.

The 27-year-old Denver woman had pled guilty to criminally negligent child abuse resulting in death in March. On Friday, she tearfully begged District Judge Donald Marshall to grant her probation so that she could care for her two other children, including a 2-month-old born prematurely.

“I wish with every fiber of my being that he was still with me,” she said, referring to her 8-year-old son Daniel, who died Aug. 20, 1997, of diabetic ketoacidosis.

“I pray you will not add to this tragedy. I know you will consider my other children who need me,” she said, crying, but the judge responded that Daniel had needed a mother also.

#### **Minister disclaims responsibility**

Ramirez had been going to Disciple Fellowship Church for about two months before Daniel's death. On August 10, Pastor Paul Schell had “laid hands” on Daniel at the church. The next Sunday, August 17, Daniel and his mother participated in a healing ceremony at the front of the church and Daniel's baby sister Dana was “dedicated” by the pastor.

Schell disclaimed any responsibility for the boy's death. Schell said Ramirez was not a church member, that he did not know Daniel had diabetes, and he had never counselled her. He even com-

plained that she “dragged” Daniel up to the stage at his church for healings and that “people line up thinking he has an ability that he does not have.”

### **“Medicine burning services”**

Schell stated that he believes in divine healing but “would never tell anyone” to stop medications or avoid doctors.

Former church members, however, told the press that Schell characterizes medicine as evil. One said Schell told him to rely only on God for healing a malignant tumor in his neck. Another said Schell urged the congregation to bring their prescription drugs, asthma inhalers, etc. to church and throw them on a bonfire in “medicine burning services.”

Daniel’s relatives on his father’s side expressed their grief and outrage over the boy’s death in court. His parents were divorced four years ago.

Ramirez’s attorney called the boy’s death “an error in judgment.” He said that Ramirez is no threat to society and that sending her to prison would benefit no one.

The judge said he did not believe that Ramirez intended to cause her son’s death. Nevertheless, Marshall said, she was very familiar with her son’s illness and should have recognized the symptoms he displayed in the days before his death. “It is abundantly clear that Daniel’s death was avoidable,” Marshall said.

### **What caused mom’s care to change?**

In her first interviews with police, Ramirez denied that religion motivated her to stop giving her son insulin. But there was abundant evidence to indicate that her behavior toward her son’s illness changed radically on August 17 and until he died.

For years Ramirez kept meticulous records of the boy’s glucose levels and insulin intake. On August 17 she wrote on her wall calendar “Daniel healed” and “no shot.” On Monday, August 18, she also wrote “no shot” and took Daniel to the church for prayer. She measured his glucose level on Monday and recorded a dramatic jump in the level of the sugar glucose in his blood; it was her last written record about his condition.

She told friends Daniel had stomach flu since August 15. She said he threw up all night long August 18 and during the day August 19. He also slept most of August 19.

### **Grandmother alarmed**

His paternal grandmother Sandra Ramirez called twice on the 19<sup>th</sup> and insisted that she must speak with him. Ramirez told her Daniel was “in a deep sleep because. . . he’s been throwing up so much, like in huge puddles, he can’t keep anything down.”

Sandra asked, “Well, haven’t you called the doctor? He could be dehydrating if he can’t keep anything down.”

Rebecca replied, “They’ll just tell me to give him popsicles, 7-Up and Pedialyte like they always do when he gets an upset stomach.”

Sandra said, “It sounds like more than an upset stomach to me, especially if he’s throwing up in puddles like you say. Did you call the doctor? What did the doctor say?”

Rebecca was evasive, saying only, “Well, he seems to be resting right now. But I will have him call you when he wakes up.”

Daniel never made that phone call.

### **A little John the Baptist**

When Sandra was told the next day that Daniel had died, she called Flodra Steinke, Rebecca’s mother. Flo said, “We’re believing that Daniel is going to be resurrected for the glory of God. He received a word at church that he was going to be a little John the Baptist and do a mighty work for God.”

Sandra asked, “Flo, why would you want to believe like that when it is obvious the Lord has taken him?”

Flo replied, “We’re believing for him to be resurrected.”

Sandra and her son Daniel (Rebecca’s ex-husband) then went over to Rebecca’s apartment to discuss funeral arrangements. Flo told them, “It seems as if the Lord was giving her a peace about it or trying to prepare her for it.” Flo then turned to



*Daniel Joseph Ramirez*

her daughter and directed, "Rebecca, tell them how it looked as though Daniel saw angels when he opened his eyes and held out his little hands and said hallelujah."

#### **"Halla' something"**

Rebecca seemed reluctant to talk. Sandra asked her to explain. Then Rebecca stated, "I was sitting in the living room holding the baby and Daniel was sleeping on the floor and he kind of opened his eyes and held out his hands and mumbled something like 'halla' something." Flo said he must have seen the angels or the Lord calling to him.

Later Flo Steinke talked about how Daniel was enjoying going to their new church and that on Sunday, he had received his healing. Flo turned to Rebecca and said, "Didn't he?"

Rebecca said, "Yeah, you should have seen him dancing around in the spirit on Sunday."

Sandra said their "interpretation of healing" must be different from hers because the boy died. She asked what they meant by healing. Flo and Rebecca had no reply.

After his death Ramirez told Disciple Fellowship official Brent Ditton, according to an affidavit, that "in her own heart she believed Daniel was healed and he was in a high safe zone."

Reportedly, Rebecca's father is now a visiting preacher and used to have his own church called Miracle Temple.

#### **Insulin and medical alert bracelet discarded**

An investigator found several vials of insulin in the trash at her apartment. Ramirez claimed she had discarded them because they were expired, but the investigator found a date of September stamped on one vial. She claimed she gave him an insulin shot in the arm on August 19, but she had no written record of it and the medical examiner reported no evidence of an injection in either arm. Her glucose monitoring machine recorded that his blood sugar was last checked on August 18 and that it had jumped dramatically just as her written records indicated.

The investigator also noticed that Daniel's medical alert bracelet had been thrown away, that his bed had no bedding on it, and that bedding was soaking in the bathtub.

Friends said Daniel always wore the bracelet. A doctor at a diabetes center said that Rebecca and her mother had always called her in the past whenever Daniel was not feeling well because his diabetes was "a very bad case." The doctor had reviewed the symptoms of diabetic ketoacidosis with Ramirez many times. No-one called the doctor during the five days of Daniel's vomiting, nausea, and lethargy. A detective testified that Daniel had been dead at least two hours before Ramirez dialed 911.

#### **Religious defense raised**

A year after she was indicted, Ramirez decided she should raise a religious defense after all. She filed a motion with the court citing Colorado Jury Instruction 7:43:

*"It is an affirmative defense to the crime of child abuse that the defendant chose and legitimately practiced treatment by spiritual means through prayer in accordance with a recognized method of religious healing, unless the defendant inhibited or interfered with the provision of medical treatment for the child in accordance with a court order, or unless there was an additional reason, other than health care, to consider the said child to be injured or endangered.*

*For purposes of this defense, a method of religious healing shall be presumed to be a recognized method of religious healing if:*

- 1) Fees and expenses incurred in connection with such treatment are permitted to be deducted from taxable income as medical expenses pursuant to regulations or rules promulgated by the United States Internal Revenue Service; and*
- 2) Fees and expenses incurred in connection with such treatment are generally recognized as reimbursable health care expenses under medical policies of insurance issued by insurers licensed by this state; or such treatment provides a rate of success in maintaining health and treating disease or injury that is equivalent to that of medical treatment."*

### **Privilege for Christian Scientists**

Under this jury instruction, Christian Scientists have an absolute right to withhold lifesaving medical care from their children because the IRS recognizes bills sent by Christian Science practitioners for their prayers as deductible medical expenses and about forty insurance companies reimburse for such bills. Faith healers in other denominations, however, have to show that their methods heal disease as effectively as medical treatment.

A few months after Ramirez filed the motion citing Colorado's religious exemption law as one of her defenses, her boyfriend was found dead in her apartment of a drug overdose and she was picked up for prostitution while four months pregnant. She then pled guilty to felony child abuse without more effort to use the religious exemption.

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### **Parents sentenced for letting toddler bleed to death**

Dean and Susan Heilman of the Lawndale area of Philadelphia were sentenced to 17 years probation on February 18 for letting their son Michael bleed to death without medical attention. They belong to Faith Tabernacle, a church that discourages medical care.

Last year they pled no contest to child endangerment and involuntary manslaughter charges. Judge Carolyn Temin ordered the Heilmans to immediately select a licensed pediatrician for their two surviving children, get medical insurance for the children, take a class on children's diseases, and immediately report the children's health problems to their pediatrician and their parole officer. She also fined them \$2,000 each.

### **19 hours of suffering**

Two-year-old Michael, a hemophiliac, bled to death over 19 hours and died on July 8, 1997. He got a small cut in his foot. At first he cried in pain. His parents wrapped his foot with a Pampers disposable diaper and put him to bed. He cried off and on through the night. He got up half a dozen times and vomited twice. Eleven hours after he cut his foot, it was still bleeding when his mother changed the bandaging.

In the morning, their pastor came to anoint the boy. As his life ebbed away, Michael cried out "a couple of times" and "then went back to sleep," Heilman told police.

Michael's aunt asked to hold him when she saw that he was dying. Mrs. Heilman would not give him up, saying, "No, he wants his mom." She later told police she would have stopped her sister from reviving him.

### **100% chance of survival with medical care**

Catherine Manno, a hematologist at Children's Hospital, testified at sentencing that Michael would have had "a 100% chance of survival" with medical care.

Ed Cameron, who prosecuted the case, asked for jail time.

The Heilmans' attorneys, Karl Schwartz and Thomas McGill, called them "ideal parents," who were devastated by their son's death.

Mr. Heilman left Faith Tabernacle as an adolescent, but returned to it four years ago after overcoming a drug problem, Schwartz said.

McGill claimed that Mrs. Heilman would have sought medical care for Michael if she had known he was dying.

Judge Temin decided against a prison sentence, but also said, "This was a hideous, tragic death. It could have been totally prevented. The court is appalled that this little child bled to death for no reason. And nothing I do is meant to condone that kind of treatment."

Taken from the *Philadelphia Inquirer* and *Philadelphia Daily News*, Feb. 19.

## Child endangerment conviction in Faith Tabernacle case

In January Philadelphia father Thurman Martin was convicted of child endangerment for allowing permanent harm to his son Brian. Martin provided no medical care, treatment, or evaluation for him because he and his wife belonged to Faith Tabernacle Church, which advocates exclusive reliance on prayer and religious ritual to heal disease.

### Able to walk until four years old

Brian was born with a visible birth defect, spina bifida. He was able to walk until he was four years old. When he was 13 years old, someone filed a child neglect report about him with the state child protection service. Admitted to St. Christopher's Hospital by court order in March of 1998, Brian was diagnosed with a myelomeningocele infection that had been present for over a year. It was oozing pus, had a foul odor, and caused substantial discomfort. Court-ordered surgery was performed to treat the infected area.

## Legs rigidly bent

Brian cannot change the position of his legs, which are rigidly bent at the knee in a fetal position. The treating physician stated that if he had received medical attention as a young child, he would have maintained the ability to walk.

Convicted by plea agreement, Thurman Martin was placed on ten years probation. He was required to place his children under the care of a licensed pediatrician, obtain medical insurance for all his minor children, report any illness, disability, or injury to the pediatrician and his probation officer, authorize medical treatment for his children, take classes in children's illnesses, and buy a fever thermometer.

Martin's wife had died in 1997. Mr. Martin himself died a few months after his conviction. They had a large number of children (twelve, one public official recalled). Brian was the youngest. He now receives regular physical therapy at a hospital.

## Firstborn baby dies at home after hospital care

On May 20 Alexis Sandefur died at her home in Tulsa, Oklahoma, after spending most of her nine months of life in a hospital. Her parents, Angela and Michael, belong to the Church of the Firstborn, which teaches that God is the only healer and therefore medical care should be avoided.

Alexis was born at her grandmother's home without medical attention. Two days later, worried that the baby had not had a bowel movement, her aunt, who was not a Firstborn member, called paramedics.

### Repeated surgeries needed

Hospital officials obtained an emergency court order to perform surgery on Alexis for a bowel obstruction. She had a perforated bowel that required repeated surgery, and she later was diagnosed with cystic fibrosis.

A treating physician, Dr. Ali Siddiqui, said Alexis' bowel obstruction likely caused her intestine to rupture, leading to infection and the death of bowel tissue. After surgery to remove the dead bowel portion, her intestines were too short to digest food. She required intravenous feeding and aggressive treatment for cystic fibrosis.

### **Parents dispute diagnosis**

The parents vented a constant stream of hostility against the doctors and nurses during Alexis' hospitalization. They insisted the baby did not have cystic fibrosis and that the surgeries caused her medical problems.

In May a team of five physicians met on her case. Three doctors agreed that nothing more could be done for Alexis; two wanted to continue medical treatment. A judge then granted a "compassionate discharge" and let her parents take her home.

Echoing the parents' viewpoint, their attorney Joe White said, "The paradox of it all is that the child was yanked out of the home with an alleged medical emergency, yet the emergency today is much more."

She died six days later.

### **Parents want religious freedom to be absolute**

Her parents and other relatives then called the press announcing their determination to change the legal system, which allows the state to intervene and get medical care for children. "It's not that we don't believe in doctors for others, if that's what they believe in," said Roger Sanders, Angie Sandefur's father. "But when it comes to Christians, they should pass a law so that they can be free to worship God Almighty."

They said they will file a lawsuit against the Department of Human Services for causing "intense suffering to Alexis and her family by ordering the medical treatment."

"Cystic fibrosis is a severe disorder that is occasionally fatal in infancy," commented CHILD board member and pediatrician Dr. Seth Asser. "Without knowing the exact surgical findings, one cannot say for sure that she would have lived with

earlier medical treatment. If this baby had been born in a hospital or had medical care prior to the rupture of the intestines, much of the complications and suffering of her short life may have been avoided and it is quite possible that she would have lived many, many years. In addition, the health care system can provide genetic counseling and early treatment for the family and any future infants. As part of this case, the DHS should order that future offspring of this pair be born with licensed medical attention and early exams and treatment."

### **Parents let 6 children die**

CHILD knows of one family who believed in relying only on religious rituals for healing and let six of their children die of cystic fibrosis without medical help. Today children with cystic fibrosis can live into their twenties. Furthermore, the disease is congenital and many parents would decide not to have more biological children after having one with cystic fibrosis.

Taken in part from the *Tulsa World*, May 13, 20, and 26.

## **Court gives weight to minor's medical wishes**

In February, the Massachusetts Appeals Court ruled that judges must interview minors directly before determining their attitudes toward medical treatment, their religious convictions, and their capacity to make an informed choice.

Alexis Demos, 17, of Lenox, lacerated her spleen in a snowboarding accident. Doctors said she might need a blood transfusion, but she and her parents refused because of their Jehovah's Witness beliefs.

The Berkshire Medical Center then asked Berkshire Superior Court Judge Judd Carhart to permit doctors to administer the transfusion if needed. After hearing from Alexis' lawyer and the hospital, the judge ordered the transfusion should it become medically necessary.

The Demoses appealed, and the Appeals Court ruled even though the girl had by then been discharged from the hospital. The Court held, "When parents refuse medical treatment necessary for the preservation of an unemancipated child's life, a court may authorize the treatment to be administered after weighing the child's best interests, the parents' interests, and the State's interests." *Matter of McCauley*, 409 Mass. 134, 136 (1991), citing *Custody of a Minor*, 375 Mass. 733 (1978)

### **How best interests of child are determined**

The best interests of a child, said the Court, are determined by considering (1) the child's expressed preferences, if any; (2) her religious convictions, if any; (3) the impact on her family; (4) the probability of adverse side effects from the treatment; (5) the prognosis without treatment; and (6) the child's competency to make decisions. *Care & Protection of Beth*, 412 Mass. 188, 195 & n.11 (1992).

In determining these factors, "it is appropriate for a judge to consider the maturity of the child to make an informed choice," the Appeals Court ruled. Carhart should have consulted Alexis directly to determine her wishes, her religious beliefs, and her maturity rather than relying simply on statements by her attorney and parents, the Court said.

The Appeals Court admitted that state laws "provide no bright line as to when a minor reaches an age to make certain decisions in life." In Massachusetts, for example, 14-year-olds can be sentenced to life in prison without parole, while 16-year-olds can drop out of school, consent to have sex, hold a full-time job, and drive.

### **Would have chosen death over transfusion**

Alexis told the press she would have pulled the needle out of her arm if the state had forced a transfusion upon her. "Jehovah God sets guidelines in the Bible. Life is a precious thing. In the Bible, life is represented by blood. Once blood is poured out, you don't do anything with it. You let it go back into the ground," she said.

Baptized as a Witness at 10, Alexis said she never doubted her decision to choose death over

accepting a transfusion. "I can't imagine how someone could force something so serious on me without knowing me or understanding what convictions I had," she added.

Donald Ridley, a Jehovah's Witness lawyer, said, "Witnesses who have had transfusions against their will or without their knowledge say it's like rape. It's a bodily violation. In Anglo-American law, the integrity of your person, being touched in any way, is a very serious matter."

Though some commentators spoke of the Demos ruling as a big victory for decision-making by minors, it should be remembered that the Appeals Court ruling still requires the trial courts to weigh the child's prognosis without treatment and the state's interest in preserving the lives of minors. Taken from *The Boston Globe*, Feb. 17 and 19; *Boston Herald*, Feb. 19, and the ruling, *In the Matter of Rena*, 46 Mass. App. Ct. 335 (1999).

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## **Canadian teen's death raises questions about state intervention**

Tyrell Dueck of Martensville, Saskatchewan, died June 30 of bone cancer after refusing standard cancer treatment. He was diagnosed in November, 1998, shortly after his thirteenth birthday. Doctors at the Saskatoon Cancer Clinic advised the family that chemotherapy and amputation of his leg were necessary to stop the cancer. They estimated those treatments would give him a 65% chance for five-year survival.

Tyrell's parents, Tim and Yvonne, refused the treatment and said they would rely on prayer, herbs, and other methods. In December a court gave the Saskatchewan Social Services Department authority over the boy's health care.

After two rounds of chemotherapy, Tyrell himself refused medical treatment, saying he wanted to try alternative remedies, such as vitamin and mineral injections along with prayer.

Social Services took the case to court again, saying that without chemotherapy and surgery the boy would die. Judge Allison Rothery held a series



*Tyrell Dueck*

of hearings on the case. Dr. Donald Duncan, a psychiatrist, said the Duecks have a “fundamentalist faith-healing” view of the world. He said Tyrell had the emotional and intellectual capacity to make a decision about treatment, but did not possess enough accurate information to make an objective choice.

#### **Treatment ordered after several months’ delay**

On March 18 Judge Rothery ruled that Tyrell was not competent to make his own medical decisions. She said his choice of treatment was based on misinformation provided by his father, who had led him to believe that alternative therapies in Mexico had a 90% success rate.

“He is a boy deeply under the influence of his father,” Rothery said. “The information that his father gives to him is wrong and could place the child in medical peril.”

Tyrell has been led by his father to place “his hopes for recovery on a cure that does not exist,” Rothery said. “This is simply cruel to Tyrell.”

She allowed Tyrell to remain in his parents’ home, but ordered that conventional cancer treatment be resumed and that the parents not be present for further sessions of his treatment.

#### **Cancer found in lungs**

But the next day doctors found that the cancer had spread to his lungs and said chances for one-year survival after treatment of the disease had diminished to 10-15%. The state then allowed the family to take the boy to American Biologics Clinic in Tijuana, Mexico, for a month of treatment with laetrile, vitamins, and enzymes.

#### **Healing claimed from Mexican clinic treatments**

American Biologics quickly announced that their x-rays showed no spread of cancer to Tyrell’s lungs and that their finding had been confirmed by a second opinion from Scripps Hospital in San Diego.

The Canadian cancer clinic expressed skepticism, pointing out that neither American Biologics nor Scripps requested the x-rays done in Saskatoon. “We would be very surprised if a qualified radiologist would give an unqualified diagnosis without our film. He might say he can’t see anything, but he would always say he needs to compare,” a spokesman said.

Tyrell’s father said the treatment in Mexico shrank the tumor and greatly reduced the pain.

The Believers Online Magazine website reported, “There is a Miracle in the Making for Tyrell! The Lord has heard our prayers and the cancer is disappearing.”

#### **Canada asked to pay for unproven remedies**

The treatment at American Biologics cost the family \$65,000, including travel expenses. A group called Citizens for Choice in Health raised thousands of dollars to help the family with the bills. The organization seeks provincial funding for both conventional and alternative medicine. Canada has national health insurance and refuses to pay for laetrile and other unproven remedies.

Tyrell returned from Mexico at the end of April. Several weeks later his father told CBC News that God was removing the cancer because the tumor had broken through the skin and was draining.

Tyrell died June 30. At his funeral Mr. Dueck recalled telling his son to make the decision on what

cancer treatment he wanted. "I'll stand with you, but you've got to decide," his father told him.

After Tyrell's death, Dr. Rodriguez of American Biologics told the press that his clinic finally concluded that his leg had to be amputated. He reported that a clinic doctor visited Tyrell in Canada in mid-May and decided from the size of the tumor and its persistent bleeding that amputation was necessary—more than six months after the Saskatoon Cancer Clinic had given the family the same advice.

### **Mexican clinic defends its methods**

Rodriguez repeated his insistence that their examination showed no cancer cells in the lungs and said the boy probably died of anemia from the bleeding and not a spread of cancer to the lungs.

He said the boy probably would have died anyway regardless of what kind of treatment he had, but also said his clinic had no way of knowing its treatments would be futile before the Duecks spent more than \$50,000 on them.

Rodriguez also claimed that the Duecks would never have chosen to come to Mexico for help if the Canadian health care providers had been more empathetic and flexible. The father just wanted some "very simple things that could have been provided in Canada," Rodriguez said.

Saskatoon Cancer Clinic disputed that claim, saying they tried to accommodate the family's wishes, including some alternative remedies along with conventional treatment.

A Canadian journalist who visited American Biologics quoted its vice-president Michael Culbert as saying in April, "We didn't ask for this. We didn't know the Dueck family from a hole in the wall. But all this attention is publicity you just can't buy." See *Toronto Star*, July 3.

### **The law and choices for minors**

Canadian law allows the government to provide children under 16 with medical care over the parents' objections. But there have been few cases in which a child whom the press called "a relatively mature minor" objected to medical treatment.

One gathers from the news articles that Judge Allison Rothery felt she should honor Tyrell Dueck's "right to choose" whatever he wanted to do about his cancer at age 13. She finessed the issue by ruling that he was not competent to decide because his father had given him misinformation and ordered his parents not to accompany him to the cancer clinic.

### **On choices for children**

So the little boy was sent off alone to consult with oncologists and get better information with which he would then be equipped to make the correct decision in the eyes of the state.

Is this the kind of society we want? How many 13-year-old boys would decide for chemotherapy and amputation of a leg, especially when their parents offer no moral support for such a frightening course of action? Is the judge's pretense that the state would allow a competent and informed 13-year-old to refuse medical care much better than the parents' claim to have given their son freedom of choice?

In CHILD's view the state should require medical care of children under the age of 18 when it is necessary to prevent substantial harm and when it has a good probability of success. The child's attitude and his competence to make decisions should not be the basis for withholding such care. He should be given information about treatment and a voice in it, but not the whole burden of decision-making when death or permanent injury is at issue.

Society's future depends on its children. Society has a high interest in doing everything possible to give them safe passage to adulthood.

Taken in part from *Canadian Press* articles posted online.

### **Sudanese immigrants say beatings are cultural**

A Sudanese immigrant convicted of aggravated assault and child abuse in Sioux Falls, South Dakota, said his disciplinary methods are part of Sudanese culture.

Gatluak Puot Well's son Buhm stole the control pad to a Nintendo game from a neighbor. Well said the boy had dishonored his family and beat the boy with a belt until he was bleeding and needed stitches.

His sons have been put in foster care with non-Sudanese families. Well is now in jail on a hunger strike. "I have no power," he said. "They've taken what is important to me away. I want to die."

Several in Sioux Falls' Sudanese community say Well's ordeal makes them afraid they will not be allowed to raise their children in the way they are used to. They say it is very difficult to raise children in a foreign culture and they are trying to keep their children from becoming criminals in a country that has too much freedom.

Taken from *The Sioux City Journal*, Aug. 2.

## Mass. Supreme Court to rule on corporal punishment

This fall the Massachusetts Supreme Judicial Court will rule on the case of a pastor who believes he has a God-given and biblically-sanctioned right to hit his handicapped son with a belt.

In 1997 Judah was attending a special needs program in Peabody because he has attention deficit disorder. The teacher sent reports home and asked for strong parental support in stopping negative behaviors. His father, Donald Cobble, read to the boy from the Bible while spanking him on the buttocks with a belt. According to Cobble's attorney, Chester Darling, Judah was always clothed and was punished this way only when he disrupted the class or had physical contact with classmates or teachers.

Judah told a teacher he feared his father and the spankings, triggering a Department of Social Services investigation. A social worker concluded that Cobble had abused Judah in the past and could do so in the future.

Darling said Cobble believes that the DSS has tampered with his right to raise his child as he sees fit and violated his constitutional right to practice religion without interference from government.

"Who the hell are they to tell parents how to discipline their children?" Darling asked. "It's sad that we have these social workers coming into a home and telling people how they should raise their kids and objecting to the religious features of that family's expression."

"The essence of this case is that a lack of discipline is a form of child abuse," said Darling. "Take a look at Colorado and see what happens if there are no rules and they aren't enforced by the parent," he added, referring to a massacre by Colorado teens.

But Jeffrey A. Locke, acting commissioner of the DSS, said the Cobble case should be viewed as the one that might finally, clearly delineate the line between abuse and physical punishment, not as an intrusion into the privacy of child-rearing or deeply held religious beliefs.

DSS did not remove Judah from the home, and Cobble was never charged with child abuse. The agency is no longer involved with the Cobble family. Judah reported getting red marks on his buttocks from the spankings, but two doctors who regularly treated him told DSS they had not seen signs of abuse.

Taken from *The Boston Globe*, April 29.

## Iowa Supreme Court refuses to review Christian punishment case

On July 30, the Iowa Supreme Court refused to review the case of a Waterloo, Iowa, pastor who claimed a right to discipline his children by his interpretation of the Bible.

The Iowa Court of Appeals ruled April 30 that Rev. Jay Burt's punishment of his children was abusive. He repeatedly used excessive force with belts, extension cords, and boards, the court held. The Appeals Court upheld a lower court ruling that the children were in need of assistance from the Iowa Department of Human Services.

Burt, the pastor of Mount Calvary Missionary Baptist Church, accused state social workers of "gestapo tactics."

Burt claims his methods do not harm the children, but are based on love.

"I believe physical discipline is necessary. In these times, children have become more disrespectful," he said. "Had the families in Littleton [where two youths staged a massacre] used physical discipline, there's a distinct possibility the killings wouldn't have happened."

Burt argues that the Bible encourages corporal punishment of children. He petitioned the Iowa Supreme Court to recognize what he says is a constitutional right to exercise his religious beliefs about discipline.

Taken in part from *The Des Moines Register*, May 1 and 5, 1999.

## Judge rules Utah couple can't use religious defense

Accused of starving their 20-month-old son, then kidnapping him from a Salt Lake City hospital, Christopher and Kyndra Fink are defending themselves with a potpourri of religious tenets patched together from vegetarianism, alternative medicine and snippets of Mormon doctrine.

### Religious practice must be of established church

Utah law protects parents from criminal child abuse and neglect charges if they provide their child "with treatment by spiritual means alone through prayer, in lieu of medical treatment, in accordance with the tenets and practices of an established church or religious denomination of which the caretaker is a member or adherent." Utah Code Ann. 76-5-110

On July 19, however, 2nd District Judge Robert Newey ruled the Finks' actions are not protected by the religious exemption because it requires religious beliefs to be in accordance with the practices of "an established church or religious denomination."

Salt Lake City defense attorney David Biggs said the Finks "do have beliefs about vegetarianism." He said Christopher has "read extensively" about diet, and has "reams of information on the Mormon

*Word of Wisdom*," which primarily directs members of the Church of Jesus Christ of Latter-day Saints to avoid alcohol and tobacco.

### Mormonism will be claimed as source for diet

Christopher is also "drawn to Brigham Young's discourses," Biggs said, adding: "We'll be getting into that at trial." (The Finks are no longer members of the Mormon Church, having asked that their names be removed from the rolls, Biggs said.)

Christopher, 23, and Kyndra, 24, are charged with felony child kidnapping, felony child abuse and—for injuring a nurse's aide who tried to stop them—with aggravated assault. Trial is set for Oct. 19. The Finks face up to life in prison if convicted.

According to preliminary hearing testimony, the Finks kidnapped their son, David, from the hospital on Sept. 19, 1998, and fled to the wilderness of Montana where Kyndra gave birth to a second son. They were arrested 16 days after they took David from the hospital. The two boys are currently in a foster home and doing well, state officials say.

According to FBI reports, the Finks fed their older son lettuce and watermelon, believing he was "the Christ child," who must be kept pure. But in a written motion to the court, the Finks claim they fed David nuts, raisins, figs, vegetables, fruits and fruit juices.

### Child unable to stand or talk

Relatives had taken the boy to the hospital because he appeared dangerously malnourished: the 20-month-old boy could not stand, walk or talk. A doctor said the child weighed only 16 pounds—as much as an average 5-month-old. The Finks claim the boy was merely small for his age.

After locating the boy in the hospital with the help of a private investigator, the Finks claim they were "shocked" to see his "deteriorated condition," which they blamed on "modern medicine."

When the Finks took their son from the hospital, "they only wanted their family to be able to be together and live free of the society that they saw as destructive and hurtful," according to their written motion.

“Christopher and Kyndra Fink now find themselves vilified and held up to public condemnation as parents and human beings because they chose another path. A path that is not in the majority. A path that for religious reasons, is looked upon as strange, unfathomable, peculiar,” the motion reads.

Taken from the *Salt Lake City Tribune*, July 20.

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## Ohio mother holds preacher responsible for child's fast

A preacher who practices faith healing is blamed by a woman for endangering her daughter. Wendy Minjares of Cuyahoga Falls, Ohio, said her 13-year-old daughter Linda was told by evangelist Ernest Angley that she should fast for 40 days to reach God about her mother's leaving the church.

Wendy and Frank Minjares have filed for divorce and are contesting custody of Linda and her sister. Mr. Minjares remains loyal to Rev. Angley and was fasting along with Linda.

Mrs. Minjares said she did not learn of the fast until the 21<sup>st</sup> day when Linda complained of chest pains and dizziness. She rushed the girl to a hospital where Linda eventually agreed to eat and recovered.

A spokesman for Ernest Angley Ministries said Minjares' complaint was a ploy to win custody of her daughter. He said the church does believe fasting is important, but that church officials rarely talk about it.

“The Reverend Angley does not tell anyone to fast. It's the parents' responsibility to watch their children. When you have children, you decide whether they should fast.”

Taken from the *Toledo Blade*, July 12.

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## Fines issued after 13-year-old injured at work site

An Ohio construction company and a subcontractor were fined \$39,550 for child labor and federal workplace safety violations after a 13-year-

old boy was injured on the job, the U.S. Department of Labor said on June 15.

### Underaged youth in hazardous occupation

Steven Wengard of Middlefield suffered internal head injuries May 18 when he fell about 10 feet onto the concrete basement of a home under construction. The boy, who was working for one of three Amish framing crews that were subcontractors, was flown by helicopter from the building site to a hospital and placed in a pediatric intensive care unit. He has since recovered from his injuries.

The U.S. Labor Department and the Occupational Safety and Health Administration (OSHA) fined the construction firm and a subcontractor \$39,550 for child labor and workplace safety violations. OSHA said they did not have regular safety inspections or effective safety and health programs.

The Labor Department pointed out that the minimum working age under federal law is 14 for non-agricultural workers and that youths under 16 are not allowed to work in hazardous occupations, including construction work.

### Ohio said to ignore violations

A source told CHILD that the state of Ohio seldom enforces child labor laws when Amish children are involved. CHILD's call to the Ohio Bureau of Employment Services was not returned.

### Amish seek exemption from child labor laws

The Amish have been pressing for an exemption to federal child labor laws that would allow Amish children to work in their sawmills and factories at age 14. H.R. 221, a bill providing a religious exemption from child labor laws, passed the U.S. House by voice vote both in 1998 and 1999. The Senate Labor Committee has not scheduled the bill for a hearing. The Labor Department classifies factories as hazardous occupations and has authority to prohibit employment of youths under 18 in sawmill and logging operations because they have an accident rate five times higher than the national average.

We encourage letters to the members of the Senate Labor Committee opposing H.R. 221,

especially by constituents of the committee members, who are Sens. Jim Jeffords, R-VT; Judd Gregg, R-NH; Bill Frist, R-TN; Mike DeWine, R-OH; Michael Enzi, R-WY; Tim Hutchinson, R-AR; Susan Collins, R-ME; Sam Brownback, R-KS; Chuck Hagel, R-NE; Jeff Sessions, R-AL; Ed Kennedy, D-MA; Christopher Dodd, D-CT; Tom Harkin, D-IA; Barbara Mikulski, D-MD; Jeff Bingaman, D-NM; Paul Wellstone, D-MN; Patty Murray, D-WA; Jack Reed, D-RI.

Taken in part from the *Cleveland Plain Dealer*, May 19 and June 15.

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## Conscience objections to vaccines defeated

Bills were introduced this year in Wyoming and Illinois to allow “philosophical” or “conscience” exemptions to immunizations, but both were defeated. Both states already have laws allowing religious exemptions to immunizations.

The Illinois bill was sponsored by Sen. Patrick O’Malley, R-Palos Park, who believes his daughter was injured by an immunization against pertussis. His bill provided an exemption on grounds of “a conscientiously held belief” from both health examinations and immunizations of school children.

The bill’s proponents said that eighteen states currently provide for “conscience” exemptions to immunizations and that several of those states have lower incidence of vaccine-preventable disease than Illinois. They cited many adverse reactions from vaccines. O’Malley accused the Illinois Public Health Department of “feel[ing] that the lives of some of our children are expendable.”

### Bad reactions cited; other harms alleged

Private organizations such as the National Vaccine Information Center and the Illinois Vaccine Awareness Coalition promoted the bill. Barbara Fisher at NVIC points out that children now get 21 shots before first grade; NVIC questions whether children need to be immunized on a prescribed schedule against diseases they are not likely to get,

such as hepatitis B, or diseases that will not make them very sick, such as chicken pox.

“While vaccines have reduced infectious disease,” Fisher says, “immune and neurologic disorders and chronic diseases are increasing.” Her allies imply that vaccines are somehow connected to the increases. They blame the measles-mumps-rubella vaccine for a 453% increase in autism since 1991.

The American Academy of Pediatrics, Illinois Public Health, CHILD, and the *Chicago Tribune* opposed the bill. CHILD asked Chicago-area writer Andrew Skolnick to testify against the bill before the House Human Services committee.

### Skolnick defends mandatory vaccinations

Andrew said, in part: “Death and serious injuries from immunizations in the United States are extremely rare. So why are we even here debating a bill that feeds the irrational fears of parents towards medicine’s most effective tool against infectious disease? Why are ill-informed and irrational vaccine opponents turning the world upside down and arguing that they’re trying to save children by denying them vaccines?”

“I believe it is because vaccines ARE so effective. Because they are so effective, some parents—and even legislators—have forgotten the horrible tragedies that vaccines prevent.

“When I was a young child, my parents, like many others, did not let me go to the movies during the summer or to swim in a public pool. They were scared into hiding by polio. Now thanks to the polio vaccine, this dreaded killer andcrippler of children is on the verge of being eliminated from our world—forever—the way smallpox was in the 1970s.

“Most people no longer remember the hospital wards overflowing with paralyzed children encased in iron lungs that did their breathing for them. And most no longer remember the terrifying sound that a young child with whooping cough makes as she struggles to take a breath. Nor do they remember how many children were killed or left brain damaged by this highly infectious and dangerous disease.”

Andrew showed a photograph he took in Chicago's historic Graceland Cemetery of the Holden family headstones. Only one of their six children lived to adulthood and three died within two weeks. "All too often, before the advent of vaccines, diseases such as whooping cough and diphtheria swept through a family like the Angel of Death killing many or even all of the children," Andrew said.

The bill passed the Illinois Senate, but was killed by the House Human Services Committee.

Taken in part from the *Chicago Tribune*, April 1, 9, 15, and 24, and *USA Today*, August 3.

## More news on legislation

HR1193, the Newborn and Infant Hearing Screening and Intervention Act, has been introduced in Congress and referred to a House Commerce Subcommittee. It gives authority within the Public Health Service Act to authorize statewide newborn and infant hearing screening, evaluation, and intervention programs, and systems for assisting the states to progress toward having all babies given a hearing test before they leave birthing facilities or before they are 3 months old if they are not born in institutions. All babies with hearing loss should be referred for audiologic rehabilitation and medical care before the age of 6 months.

The draft bill explicitly gave its blessing to religious exemptions, saying that it did not "preempt or prohibit state laws that do not require hearing screening of children whose parents object based on religious beliefs."

The American Academy of Pediatrics (AAP) registered strong opposition to the provision. A few hours before he introduced the bill, the lead sponsor Rep. James Walsh, R-NY, agreed to drop the specific reference to religious exemptions, but the bill still includes a general statement that it does not preempt state law. Connecticut, West Virginia, and a few other states already have religious exemptions to hearing screenings for babies.

## Maryland

The Christian Science church attempted to get a religious exemption to hearing screenings for newborns in Maryland this year, but failed because of opposition mounted by CHILD member Ellen Mugmon of Columbia, the Maryland Chapter of the AAP, and others.

## Utah

Utah raised the minimum age for marriage from 14 to 16 with a bypass for 15-year-olds who present evidence of their maturity to a judge. Another bill providing increased funding for investigation of polygamy and incest died in the legislature.

## Dangers of religious exemptions from immunizations reported

Individuals exempted from measles vaccinations for religious or philosophical reasons are 35 times more likely to contract measles than vaccinated persons and may pose a measles risk to the community at large who are immunized, according to an article in the July 7 issue of *The Journal of the American Medical Association (JAMA)*. It is entitled "Health consequences of religious and philosophical exemptions from immunization laws."

Lead author Daniel Salmon of the National Immunization Program at the Centers for Disease Control and Prevention in Atlanta and colleagues studied the risk of contracting measles among individuals who claim religious and philosophic exemptions (exemptors). They also assessed the risk that exemptors pose to the immunized public. They studied data on measles cases for the years 1985 to 1992 and among individuals from 5 through 19 years old.

The researchers present a mathematical model which shows that hypothetical changes in the number of exemptors could affect measles cases in the non-exempt population. If the number of exemptors doubles, the number of measles infections in vaccinated individuals would increase by 5 to 31 percent,

depending on the amount of contact between the two groups, according to the authors.

Due to disability and death associated with many vaccine-preventable diseases and the safety, effectiveness, and financial savings offered by vaccines, all states require schoolchildren to be immunized. But 48 states allow religious or philosophical exemptions from vaccinations.

The authors' recommendations are weak. Among other actions, they call upon policymakers to "weigh the rights" of individuals claiming such exemptions against risks to the general public and call for "research to determine the reasons why individuals claim exemptions."

CHILD's own recommendation is more straightforward: religious and philosophical exemptions from immunizations should be repealed.

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## Book examines Christian Science church's power and child neglect

*God's Perfect Child: Living and Dying in the Christian Science Church* by Caroline Fraser, a book eagerly awaited by many CHILD members, is now available in bookstores. Part memoir, part biography, and part social history, the 432-page book is a passionate expose of religious zealotry.

Published by Holt's Metropolitan Books, the book traces the church's transformation from a small sect to a socially respectable, politically powerful, and inherently dangerous religion. Fraser sees the church as distinctly rooted in American culture, with its extreme interpretation of self-reliance and its assertion that individuals can control their physical destiny.

Raised a Christian Scientist herself, Fraser explores the church teaching that illness is an "error" of the mortal mind and that medical treatment should be avoided. She begins by examining the life and psychology of its founding Mother, Mary Baker Eddy. A charismatic eccentric, Eddy fashioned Christian Science around her fears of the material world and lived in terror of an insidious negative telepathy she called Malicious Animal Magnetism.



Fraser says that many Christian Scientists even today have the same fears and obsessions as Eddy.

Fraser sees the sources of the church's political power in its respected daily newspaper, *The Christian Science Monitor*, and its famous, wealthy members.

In the last two decades, Christian Science has come under serious attack in the courts for the faith-healing that has resulted in children's deaths from easily treated illnesses and has allowed the spread of contagious diseases.

These cases have been public relations disasters for the church. Yet despite these setbacks the church is poised for a 21<sup>st</sup> century makeover. It is now positioning itself to cash in on the current enthusiasm for New Age alternative healing.

Caroline Fraser holds a Ph.D. in English and American literature from Harvard. Formerly on the editorial staff of *The New Yorker*, she has written for *The New Yorker*, *New York Review of Books*, and *Atlantic Monthly*. She has received awards for her poetry and a PEN award for Best Young Writer.

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For more information on CHILD, visit our web page at <http://www.childrenshealthcare.org>.